

APPROVED: Meeting No. 34-96

ATTEST: *Paula S. Jewell*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 29-96

July 8, 1996

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on July 8, 1996, at 7:37 p.m.

PRESENT

Mayor Rose G. Krasnow

Councilmember Robert E. Dorsey

Councilmember James T. Marrinan

Councilmember Glennon J. Harrison

Councilmember Robert J. Wright

In attendance: City Manager Rick Kuckkahn, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: City Manager's Report

1. An estimated 50,000 people watched the City's spectacular Independence Day celebration at Richard Montgomery High School. Participants enjoyed entertainment by the Rockville Concert Band and the Rondells. WASH 97.1 FM Radio, the City's major sponsor for the event, emceed the event which raised more than \$2,000 for the Rockville Youth Scholarship Fund. Unusual wind conditions during the fireworks caused some debris to be blown into the bleacher seating area and staff had to rope off some of the seating area to assure safety. City staff are committed to making the event a safe one for all and they will be working with the Fire Marshall's office to evaluate options for future shows.

2. The 11th Annual Rockville Rotary Twilight Runfest will take place on July 20. The evening 8K race and fun run will be followed by a lively street festival which, for the first time, will take place in the newly constructed downtown. Proceeds from the event benefit the Rockville Rotary Youth Scholarship Fund and other local Rotary sponsored charities.

3. On June 29th, the Mayor and Council participated in the 105th Anniversary celebrating Lincoln Park. Between 500 and 1000 residents took part in the wonderful event, and the City was pleased to be a part of the celebration.

4. A task force formed to look into alternatives and criteria for evaluating uses at the Montgomery County Detention Center (MCDC) will hold a public meeting on July 24 at 7:30 p.m. Neighborhood associations in the vicinity of the jail will be formally notified of the details.

In response to a question from Councilmember Marrinan, Mr. Kuckkahn reported that the fireworks display cost the City \$30,000, the entire event including staff, overtime, and the band totaled \$44,000. Staff was planning to develop ways to increase corporate sponsorship from this as well as other City events. Mayor Krasnow noted that with estimated crowd of 50,000, the event cost the City approximately \$1.00 per person, which was a favorable amount for the amazing entertainment provided. Mayor Krasnow also said that she was surprised to see how determined the spectators were to sit in sections that were marked off for safety reasons. Ms. Krasnow asked that staff put together an education campaign prior to future events to inform persons about the need for maintaining safety by roping off seating.

Re: Welcome and Presentation to
Swim Team visiting from Ards,
Ireland.

The Rockville-Montgomery Swim Club is hosting a group of swimmers, coaches, and parents from Ards, Ireland from June 29 - July 14. This group, which hosted the City's trip to Ireland and England last summer, is staying with families of RMSC and training for the Irish National Championships with our swimmers. On behalf of the Mayor of the Ards Council of Northern Ireland, the Chairman of the Ards Swim Club read a letter of greeting and presented Ards's coat of arms to the Mayor and Council. The Mayor and Council then presented a Rockville flag and other mementos to the visiting swim team. In return, the swim team presented the Mayor and Council with tee-shirts.

Re: Citizens Forum - This time is set
aside to hear from any citizen
who wishes to address the
Mayor and Council.

1. Virginia Onley, Chair, Senior Citizens Commission said that the Commission reviewed Text Amendment Application TXT96-0155 regarding Manor Care's request to amend the Zoning Code to allow adult day care centers in industrial and commercial zones. Ms. Onley reported that members of the Commission were divided on the issue. Commissioners opposing the amendment felt that the change was unnecessary at this time; they felt that once the baby boomers entered their golden years, that would be the more appropriate time for such a change in the City. The dissenting Commissioners also felt that the change should be limited or monitored with special exceptions so that with each additional center opening, the City could determine whether it was really needed

at the time. Ms. Onley said that the other objection was that the use should only be allowed in industrial zones and that the commercial areas with retail shops should remain as they were without having the adult day care center use mixed with commercial retail.

2. Anita Summerour, President, Lincoln Park Civic Association (LCPA) expressed LCPA's opposition to spending \$500,000 on the Lincoln Park bridge project, and their adamant opposition to additional vehicular access into Lincoln Park. Ms. Summerour said that LCPA was a united organization of homeowners who consistently speak for Lincoln Park. LCPA requested that the Mayor and Council carefully examine the goals and motives of any other groups who have also spoken on the issue.

3. Bill Kominers on behalf of Manor Healthcare Corporation said that following the public hearing, a good deal of discussion was held with staff and some of the concerned groups including the Senior Citizens Commission. Regarding the Senior Commissioners concern about the commercial zone, Mr. Kominers said there were some options the Mayor and Council could take to address the issue. A different population would be served by the adult day care facility as opposed to what the Senior Center presented served, and Mr. Kominers said the applicant felt strongly that a need currently existed and would be more necessary in the future as the baby boomers reached their golden years.

Regarding the issue of the use in commercial zones, Mr. Kominers said that the applicant felt that the economics of the properties would preclude their use for these types of facilities. Child day care use had been available in commercial zones for some time but had not been implemented and Mr. Kominers suggested that this was due to the

cost of the space and child or adult day care companies could not compete with retail for retail space. Mr. Kominers said that the applicant was willing to support a change which would eliminate the use from the C-1, C-2 and RPC zones at the present time, with the understanding that the Mayor and Council would direct staff to bring back a new text amendment for use in those zones as a special exception with appropriate standards.

4. Randy Gentry, Twinbrook Citizens Association expressed appreciation to the Mayor and Council for moving up in the Capital Improvements Projects budget, the proposal to build a Twinbrook community center. He said there was much enthusiasm in the neighborhood about the center and that TCA had established a steering committee, which he is coordinator for, to work with City staff in the planning phase of the center.

Re: Presentation of Legislative
Report by Senator Jennie
Forehand, and District 17
Delegation, Michael Gordon,
Kumar Barve, and Cheryl
Kagan.

Delegate Cheryl Kagan reported on the Delegation's accomplishments from the 1996 legislative session in Annapolis. She noted that all four of the District 17 Delegates opposed the building of a new stadium in Baltimore, and she said they hoped their opposition would have been successful although they had their doubts all along. Ms. Kagan then reported on the following accomplishments:

- o Gun Control Package - Maryland is back in the forefront for strict gun control laws. Not only did the State match Virginia's one gun a month law, but better background checks will be required; guns will be taken out of the hands of persons

convicted of domestic violence, and more semi-automatic weapons will be taken off the streets.

- o Ms. Kagan noted her appointment as Vice-Chair of the Transportation Committee for Montgomery County. The Committee is trying to determine who is the owner of the Rockville Metro Station so that some responsibility can be assigned for making the station handicapped accessible. Ms. Kagan said that the Secretary of Transportation has committed to moving forward on making the ADA improvements and it will be determined later who will pay for the improvements.
- o The Delegation attempted to obtain State funding for the Lincoln Park Bridge improvements; however, they were not successful this year. Depending on the Civic Association and the City's opinion, the Delegation hoped to revisit the issue in the future.
- o Noting her individual accomplishments, Ms. Kagan reporting on the following:
 - Tuition equity - Working with the University of Maryland Board of Regents, students taking courses at the Shady Grove campus that are also offered at the College Park campus, will no longer have to pay more for the precise same course.
- o Telephone access - Callers to State used to have to make a long distance phone call since the telephone number was in the 410 area code. Working with Governor Glendening, Ms. Kagan was successful at getting Montgomery County residents toll free accessibility to any office in State government.
- o Assignments - Ms. Kagan said that she was appointed by the Speaker to serve on

the Maryland State Arts Council, and the Council was able to obtain funding for Rockville Arts Place, other institutions in the County, and for the City of Rockville.

Delegate Kumar Barve, said it was an honor for him to again serve as the Chair of the Montgomery County House Delegation. The year was very positive and Mr. Barve noted several accomplishments of the District 17 team and the entire County delegation:

- o Fiscal Issues Impacting Montgomery County and Maryland - Montgomery County received a \$240 million dollar grant in direct and indirect aid from the State of Maryland, which was an increase of \$12.5 million over the previous year. Disbursements included \$17.5 million for the new Conference Center in Rockville; \$4 million for the construction of a new high technology center at Shady Grove; \$600,000 for the Center on Domestic Violence; \$250,000 for the renovation of the Onley Theater; \$150,000 for Rockville Arts Place; \$400,000 for the Urban Search and Rescue Facility in Rockville; and \$250,000 for the Strathmore Hall Arts Facility. Mr. Barve displayed a chart highlighting the State Delegation's progress since 1990, and more particularly, obtaining \$36 million for school construction. Another chart highlighted the increase in funds from a change in the State gas tax formula. Thirty percent of this is divided among all Maryland jurisdictions. The Montgomery County House and Senate delegations, with the help of the Speaker and County Executive Duncan, were able to build a coalition around the State to change the gas tax formula which resulted in an additional \$55 million dollars for

Montgomery County.

- o Health and Insurance Reform Issues - Maryland is at the forefront of regulating health insurance in the Nation. Mr. Barve said he sponsored a bill making it illegal for health care organizations to punish health care providers, by dropping them from the plan, for speaking freely with their patients, by dropping them from the plan. Mr. Barve also said that he was deeply involved in the legislation allowing new birth mothers in the State of Maryland to stay in the hospital for 48 hours to 96 hours (depending on delivery complications). The legislation also allows a home visit by registered nurses for those women who request early releases from the hospital, and the law requires hospital coverage for an additional four days for newborns when the mother continues to be hospitalized for medical reasons. The legislation also makes it illegal for insurance companies to impose deductibles or co-payments from coverage extended in the new law. It will also no longer be required that a woman go through a primary care physician before seeing their OB/GYN for routine visits. The State Legislature also passed a law requiring insurance companies to perform reconstructive breast surgeries on the non-diseased breast in breast cancer cases.
- o New Assignment - Mr. Barve announced that he was chosen by Speaker Cas Taylor to chair the new subcommittee on Science and Technology. The subcommittee plans to raise the profile of high technology businesses in the State of Maryland.

Delegate Mike Gordon remarked on the accomplishments of the District 17

team delegates, and he said that for the first time since 1930, the State of Maryland, in Fiscal Year 1997, spent less money than it did in FY 1996. They were able to reduce State government and continue State services. The State's budget was \$14.6 billion; approximately \$9 million dollars less than last year and a \$433 million dollar reserve was still able to be maintained. This provided a triple A Bond Rating and Maryland was one of five states in the nation that had the rating which saved taxpayers millions of dollars for the bond indebtedness. Twenty seven million dollars was put away in the state economic development fund; 607 State jobs were eliminated (approximately 5700 jobs had been eliminated since 1991) while at the same time, \$2.2 billion was allotted for local schools and libraries, \$2.3 billion for medical assistance; and \$1.9 billion for higher education. Spending for education was increased by five percent and the aid for higher education increased by four percent.

As Vice Chairman of the Economic Matters Committee, Mr. Gordon said that he was assigned to a work group on HB-1. After October, the State will have Heritage Preservation Zones to preserve the heritage areas of the State which are multi-jurisdictional and promote jobs and tourism.

Mr. Gordon said that two projects that he reported on last year have come to fruition--beginning October 1st, background checks will be required on employees in nursing homes. Three years ago, Mr. Gordon said that he urged the State of Maryland to offer tax credits for job creation and economic development and this was finally accomplished this year.

Senator Jennie Forehand said that this year's session was terrific. For the

past two years, she has served on the Senate Judicial Proceedings Committee and they have been working on the following:

- o Health and Safety Issues - The Senate passed a bill to make adults responsible for underage drinking in their homes and on their property. In addition, a bill was passed mandating ignition interlock systems which prevent drunk drivers from starting their cars. A bill passed by the Senate (but not by the House) was proposed to prevent minors from purchasing cigarettes from tobacco vending machines.
- o For several years, Ms. Forehand has worked with the High Technology Council to pass a bill preventing discrimination in health insurance as a result of genetic testing. The bill passed this year, largely due to the efforts of Delegates Gordon and Barve who were on the House committee.
- o Several bills were passed to encourage assisted living opportunities
- o The Senate was successful in killing a bill requiring timed local service use on business telephones.
- o A commission was formed to look at the gambling issue this summer.
- o Regarding the State taxes, Senator Forehand said that it was important that residents understand that the State tax rate was what maintained the State's Triple A Bond Rating. Although Maryland was fifth in the nation in personal taxes, it was actually 32nd in overall taxes.
- o One of the Governor's priorities, as well as Senator Forehand, a proposal for the Inter-county connector. Ms. Forehand said that if the environmental impact

statement showed that the connector could be built in an environmentally safe manner, everyone should support it. She noted that a recent questionnaire on the connector resulted in 75 percent of respondents supported the proposal.

Senator Forehand said that she served as Vice Chair of the Senate Delegation from Montgomery County and she was now the Chair of the Economic and Cultural Development Committee for the Southern Legislative Conference (Delegate Gordon is serving as the Chair for the Fiscal Affairs Committee for the Conference). She was also the representative for the southern states on the Southern Technology Board. Senator Forehand said that working in all of the areas and with the Mayor and Council, has been a pleasure and the Delegation looked forward to hearing from residents.

Mayor Krasnow thanked the Delegation on a very successful session, particularly on Montgomery County successes which will clearly benefit the City of Rockville. She noted the Mayor and Council's disappointment over the three bills Rockville initiated but which were not successful. Having recently received \$6 million from the State for the redevelopment of downtown Rockville, the State probably felt the City did not need any other funding this year. Mayor Krasnow proposed that the City meet with the Delegation early in the Fall and plan to work much closer in the coming year to determine the best way to present those bills. Mayor Krasnow also expressed an interest in bringing the Governor and other key cabinet officials to Rockville.

Re: Report by Rockville Center, Inc.
(RCI) on the status of the Town
Center Redevelopment Project.

Mark Troen, Vice President of Rockville Center, Inc. presented the eighth in a continuing series of quarterly reports. He introduced Bill Hellmuth, the architect working on the redevelopment project. Mr. Troen presented a slide presentation showing the progress of the development from its inception. In reviewing the project progress to date, Mr. Troen said that 300,000 square feet of the mall was successfully demolished late last year. In May 1996, the new streets and new Courthouse Square were dedicated and the new Monroe Street currently under construction will be completed by the end of the year. The rebuilding of Courthouse Square has been done, the area for the new fountain and sculpture was in place and the new streets and roads were now in use.

RCI's amendment to the Preliminary Development Plan, which was approved by the Planning Commission, was actually based upon the building of a new retail pavilion. Mr. Troen said it was important to note that what was done remained fundamentally unchanged in its overall scope. The total square footage and the FAR for the site remained the same as well as the features stressed by the Mayor and Council and citizens in order to maintain the traditional grid of streets and pedestrian-friendly environment. RCI's focus has been on the retail pavilion which will house a thirteen-screen movie theater and a number of restaurants. In addition, negotiations took place with the County to add several square feet to the site to accommodate the larger restaurant use. The actual size of the retail pavilion was changed for the benefit of everyone. The height of the pavilion was reduced so that the two stories will be spread over a wider area.

In addition, the mix of block densities in the remaining uses was adjusted in a way to keep the entire square footage the same.

Mr. Troen said that the abandonment of City property requested by RCI was actually a trade of City property and was the result of RCI's negotiation with the County. RCI wants to make the retail pavilion active on both sides, not just on the new Montgomery Avenue side. In addition, they want to put all the utilities below ground and the abandonment will actually improve access to Truck Street for the retail pavilion, the movie theaters and the County building. The cityscape and streetscape will be completed and RCI will be able to build a plaza similar and complimentary to the arcades on the north side of Montgomery Avenue.

The Use Permit Application for the retail pavilion will be heard by the Planning Commission on July 10. The elevations RCI proposed and hope to have approved reflect the pedestrian, town-center focus, one in which people will feel comfortable walking on the streets and having a building facade that was unique for each use. Mr. Troen said that the movie theaters will be placed underground and the new Montgomery Avenue will be above with the restaurants adjacent to it. The site plan will take advantage of the grade change--the new parking lot, garden parking and the streets will gradually slope from Middle Lane up to the new Montgomery Avenue. By doing this, RCI is responding to tenant needs and will reflect the dynamic new type of town center they envisioned for Rockville.

Bill Hellmuth presented architectural drawings and explained the details of the retail pavilion development for the proposed stadium style seating movie theater, the

microbrewery and the restaurants which included a mix of restaurants that would match the working and residential populations in Rockville. RCI is under negotiation with approximately twelve vendors and they hoped to be able to choose the restaurants once the movie theater lease was signed.

Re: Appointments

Upon motion of Councilmember Harrison, duly seconded and unanimously passed, Nelson Jacobsen was appointed to serve on the Landlord-Tenant Commission.

Upon motion of Councilmember Wright, duly seconded and unanimously passed, Frederick Nix and Irving Shapiro were appointed to serve on the Rockville Scholarship Foundation Board of Directors.

Re: Approval of Minutes

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Minutes of Meeting No. 22-96 (May 13, 1996) were approved as amended.

Upon motion of Councilmember Wright, duly seconded and unanimously passed, the Minutes of Meeting No. 23-96 (May 20, 1996) were approved as written.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Minutes of Meeting No. 24-96 (May 28, 1996) were approved as written.

Re: Consent Agenda

Councilmember Harrison requested the removal of Consent Agenda Item A. Upon motion of Councilmember Wright, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- (B) Award of Bid #1-97
To: Chesapeake Publishing Co.
Of: Beltsville, Maryland
In the amount of: \$29,360.00
- For: Printing, Preparation for Mailing,
and Mailing of Recreation and Parks
Seasonal Program Guides.
- (C) Award of Bid #4-97
To: Romano Concrete
Construction, Inc.
Of: Silver Spring, Maryland
In the amount of: \$462,040.50
- For: Concrete Maintenance FY97,
includes street repairs, utility patches,
handicap ramps, and miscellaneous
small sidewalk links.
- (D) Award of Contract to dispose of
hazardous waste
To: Clean Venture, Inc.
Of: Perth Amboy, New Jersey
In the amount of: \$27,712.50
- For: Disposal of the lead contaminated
hazardous waste from the abrasive
blasting operation as part of the
Rehabilitation of the Talbott Street
Water Storage Tank.
- Re: (A) Award of Bid #42-96
To: J. Palmerio Construction
Of: Bethesda, Maryland
In the amount of: \$517,517.00
- For: Improvements and Additions to
the Frederick Avenue Pedestrian
Bridge.

Councilmember Harrison said that he expressed serious doubts about the

proposed rehabilitation of the bridge since 11/20/95 when the Mayor and Council rejected a bid in the amount of \$361,147 because it was believed that the bid was excessive. Mr. Harrison said that the current bid before the Mayor and Council was in excess of \$517,000 for what appeared to be the same improvements proposed in 1995. Mr. Harrison said that in 1995, he stated that the design was not much of an improvement and would not result in a pedestrian friendly bridge. He joined with other members of the City Council in instructing staff to rebid the project. He said that the Lincoln Park community supported proposed improvements for safety reasons; however no one that he was aware of in Lincoln Park, indicated that they liked the design proposed by the project architect. Mr. Harrison said that he was disappointed with the new range of bids and he suggested that the Mayor and Council reject Bid #42-96 and direct staff to revisit the project. He also suggested that the City convene the neighborhood in a charrette to work through the many problems and opinions and to develop a solution.

Mayor and Council expressed the need to resolve some issues before a neighborhood charrette was convened. It was generally agreed that the current bridge was not acceptable to the Lincoln Park citizens or the Mayor and Council. However, it was agreed that there were four options which should be explored first: (1) to leave the bridge as it is now; (2) to go forward with the proposal to rehabilitate the bridge; (3) to determine whether tearing the bridge down was a possibility (and what were the costs involved), and (4) determine whether it would be possible to perform some of the modifications, e.g., removal of some of the caging on the ramps and add extra lighting without building a stairway.

Upon motion of Councilmember Harrison, duly seconded and unanimously passed, Bid #42-96 was rejected. Staff was directed to follow through on the neighborhood charrette and look into the recommended options.

Re: Adoption of Resolution to Approve a Concept Plan for 430.63 acres of land, more or less, known as the King Farm, located east of Interstate 270, north of Gude Drive, south of Shady Grove Road and west of Frederick Road (MD 355). Helios/Towle, LLC, Applicant.

For approval of Comprehensive Planned Development Application CPD95-0002 for 3,200 housing units, 3.2 million square feet of office space, and 125,000 square feet of neighborhood commercial space.

Resolution No. 10-96

Mayor Krasnow noted that the Concept Plan was discussed many times over the past few months and the Mayor and Council narrowed the issues down to parking for the multifamily units and the design guidelines.

The developer agreed to provide 1.7 spaces for all of the multiple apartment dwellings regardless of the number of separate bedrooms. Mayor Krasnow noted that originally, efficiency units in the plan required one parking space; one bedrooms required 1.25 spaces and two or more bedrooms would require 1.5 spaces. She said that and the developers agreement for 1.7 spaces for any multiple apartment dwelling unit regardless of the number of bedrooms, was a good compromise.

Regarding the issue of shared parking for mixed use, Councilmember Wright suggested that "commercial or office" be inserted before "use" so that it was clear

that the provision did not apply to residential areas. The developer agreed to this amendment. Mr. Wright said that he could accept 1.7 parking spaces per unit. Regarding the issue of public and private streets, Mr. Wright said that if in the future, traffic became an issue for a community, the owner of a development could attempt to close a private street.

Regarding design guidelines, Mayor Krasnow said that the Mayor and Council discussed different suggestions on how to deal with the issue. She said that Barbara Sears, Attorney for the developer submitted suggested wording this evening that design guidelines would be subject to review and approval by the Chief of Planning, prior to approval of the first Detailed Application or within sixty days of submittal of the Design Guidelines. Prior to the decision by the Chief of Planning on the initial Design Guidelines and within the time frame specified, the Planning Commission, without a public hearing may review the initial Design Guidelines in the format submitted by the Applicant. The initial Design Guidelines may be modified by the Applicant, from time to time, subject to review and approval by the Chief of Planning within fifteen days of their submittal to the Chief of Planning, for reasonable compliance with the urban design principles of the Approved Concept Plan. Once the design guidelines or the modifications have been reviewed and approved by the Chief of Planning, then the actual guidelines would be determined by the King Farm community association to administer, implement and enforce.

Councilmember Harrison stated that Helios/Towle objected to language that would give the Planning Commission a formal role in reviewing substantial modifications

to the design guidelines. The developer wanted staff to approve substantial modifications without citizen input. Mr. Harrison said that while he disagreed with the developer on the point, he was confident that the Planning Commission would be involved whenever a request for a substantial modification was proposed. From assurances given by the Director of Community Development and from further discussions with the City Manager, Mr. Harrison said that he understood that such requests would be routinely forwarded to the Planning Commission for its comment and it had been his experience that comments made by the Commission were taken seriously. Mr. Harrison said that the City Manager had the authority to determine how the planning staff handled such requests. He said that although he would prefer to see the Planning Commission hold a formal review, he saw nothing in the proposed language that would preclude Commission involvement on an ongoing basis.

Councilmember Harrison referenced a letter received from residents in the College Gardens and Woodley Gardens neighborhoods expressing concern about the traffic impact on College Parkway, Nelson and Mannakee Streets. Mr. Harrison said that the traffic studies conducted by the developer did not take into account the possible impacts of the King Farm development on those streets and it appeared that they believed there would be no impacts on existing neighborhoods. Mr. Harrison said he did not have full confidence there would be no impact on the streets, and he asked that the Mayor and Council direct staff to develop a system that would involve monitoring on those streets to include traffic counts and speed monitoring, and to also consult with the neighborhood associations. Mr. Kuckkahn said extensive monitoring currently took place and he said

that staff would provide the Mayor and Council with the information. Mr. Harrison asked that staff also talk to the presidents of the neighborhood associations to ensure that the current monitoring system met their needs.

Ms. Sears noted an amendment to Section VII (d) (Open Space Network Plan) regarding the two the optional private recreational areas generally shown on the Concept Plan, and if they are not built, the areas will remain as open space.

Councilmember Dorsey noted that the tenth Whereas clause of the Resolution referenced many dates regarding reports and hearing dates for the Concept Plan. However, he said that there was no mention of the June 27 Special General Session and he questioned whether this was an oversight. City Attorney Glasgow clarified that a number of dates substantive to the discussion of the Concept Plan were also not noted and he said that this did not exclude any actions of the Mayor and Council. Councilmember Dorsey moved adoption of the Resolution.

Councilmember Harrison said that many of the decisions about the kind of development to occur on the King Farm were made years ago by Montgomery County planners. Rockville annexed the King Farm property as well as the previously approved density and in annexing the land, the previous Mayor and Council decided on the type of staging of development, the transportation and traffic impacts and mitigation of those impacts. Mr. Harrison said that if the Annexation Agreement were before the Mayor and Council for approval instead of a plan that conformed to the Annexation Agreement, he would not hesitate to vote against it based on his concerns--the weak link between the availability of all modes of transit and the staging of development. He said he was also

concerned about traffic impact analysis. The Annexation Agreement limited the Developer's maximum contribution to \$1.25 million for off-site traffic mitigation measures. This limit was agreed upon prior to the study that identified likely impacts; however, the staff estimated that the needed improvements could cost \$2 million.

Mr. Harrison said that the King Farm did balance environmental concerns and residential and office density in a way which should produce an outstanding community, if it was truly metro oriented. He said that the Planning Commission would have to carefully weigh each detailed application to ensure that the King Farm adhered to transit-oriented development. After stating his reservations about the development, Mr. Harrison said that he did intend to vote to approve the Concept Plan.

Mayor Krasnow said that it was true that the previous Mayor and Council in annexing the King Farm property did have to annex the zoning that accompanied it, and this locked the City into what they had to work with. She pointed out that the Mayor and Council wrote into the Annexation Agreement many provisions to handle the main burden of traffic mitigation outside of the development. Mayor Krasnow said that over the past several months, the Mayor and Council worked incredibly hard to try and protect the public's interest while realizing that it was difficult to predict what would happen in the future. She said that given the zoning placed on the development by the County, she was comfortable that the City had done an extraordinary job in working with the developer to come up with a positive development for the City. The Mayor also said it was far better that the development would be done in the City than in the County where the City would have had to live with all of the impacts without any control over them.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, Comprehensive Planned Development Application CPD95-0002 for 3,200 housing units, 3.2 million square feet of office space, and 125,000 square feet of neighborhood commercial space was adopted. A copy of the full text of the Resolution can be found in Resolution Book No. 11 of the Mayor and Council.

Re: Discussion and Instructions to Staff Re: TXT96-0155, Manor Healthcare Corp., Applicant. To amend the Zoning Ordinance to add a new use titled "Adult Day Care Center," to permit the use in all nonresidential zones, and to add a parking standard for the use.

The Mayor and Council discussed the proposed amendment to the Zoning Ordinance to add a new adult day care center use in order to permit the use in all nonresidential zones, and to add a parking standard for the use. Following discussion, staff was instructed to do the following:

- Add language that the minimum number of parking spaces required be five.
- Divide the text amendment into two issues. TXT96-0155 should be brought forth on July 22 as an introductory Ordinance to amend the Zoning Code to permit adult day care center uses in all nonresidential zones except for C-1, C-2, and RPC, and to add a parking standard for the use.
- Staff was also directed to draft some suggested standards for special exceptions for adult day care in the C-2, C-2 and RPC zones, for the Mayor and Council to consider in September.

Re: FYI/Correspondence

1. Councilmember Dorsey noted that the smoothseal contractor had to cancel its paving operation due to damage to their plant. He questioned whether the smoothseal program had resumed as expected. Mr. Kuckkahn said that he would confirm this with the contract monitor.

2. Councilmember Marrinan noted FYI Item #5, regarding the comparative changes in assessed values for Maryland cities. He pointed out that Rockville had the largest assessed value of the State's ten largest cities. The assessed value for 1990 was \$1,769,079,830 and grew to \$2,066,393,441 in FY 1995, representing a 16.8. increase.

Re: New Business

1. Proposal to hire a consultant to challenge appeals filed by commercial property owners - Mayor Krasnow noted that the list of businesses that have filed appeals represented 20 percent of the City's commercial tax base. If the appeals were successful, it would be a major blow to the City. The Mayor suggested that staff be directed to proceed with drafting an RFP to hire a consultant service for a one year pilot period to test its success and the impact on the business community. Councilmember Dorsey recommended that staff develop some guidelines as to which businesses should be targeted.

2. Bell Atlantic / Pepco Poles - Councilmember Marrinan referenced Mr. Kuckkahn's memo dated 7/5/96 on Bell Atlantic's request to install wires onto newly installed Pepco poles on Cabin John Parkway. Mr. Kuckkahn had pointed out that the request qualified for consideration because the area affected was a wetland with

environmental significance. Mr. Marrinan said that the City's policy to have all utilities underground was clear and he expressed concern that the City be able to control these requests so that a precedence was not set. Mayor and Council reached consensus on a compromised solution to allow Bell Atlantic to put the wires up one line in the wetland area only, with the understanding that at if any point the Pepco line went underground, Bell Atlantic would have to do likewise. In addition, if the pole were to be removed for any reason, Bell Atlantic would be required to underground their wire.

3. Lakewood Country Club - Mayor Krasnow noted the ongoing dispute between residents and nearby Lakewood Country Club because the Club adopted a "grow, don't mow" policy for the grassy areas not in active recreation use. Mayor Krasnow said that the City also had a "no mow" policy in some of its public areas, and she agreed that it was an environmentally sound decision. Lakewood is cutting a ten-foot buffer between adjoining property owners and the rest of the field. The City has received some complaints from the homeowners, and Ms. Krasnow asked if the City needed to amend its property maintenance ordinance. She suggested that the issue would be an appropriate one for community mediation. The Mayor and Council directed that staff follow up on pursuing a solution through community mediation. Staff was also directed to look at the issue comprehensively and bring back some ideas for future discussion.

Re: Adjournment to Executive
Session

Upon motion of Councilmember Wright, duly seconded and unanimously passed, the Mayor and Council adjourned at 11:10 p.m., to reconvene immediately after

in Executive Session, pursuant to Section 10-508(a)(1)(i) of the State Government Article, Annotated Code of Maryland, to discuss a personnel matter.

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